

MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL

May 15, 2018

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency.

Call to Order by Mayor Vasquez at 6:03 p.m.

City Councilmembers present: Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember David Arambula, and Councilmember Matt Mendoza. City Councilmembers absent: None.

City Staff present:

Lydia Romero, City Manager

Mike James, Assistant City Manager/Public Works Dir.

Scott Amos, Lemon Grove Substation Lieutenant

David De Vries, Development Services Director

Miranda Evans, Management Analyst

Kristen Steinke, Asst. City Attorney

Colin Stowell, Fire Chief

Al Burrell, Financial Consultant

Kay Vinson, Interim City Clerk

Alicia Hicks, Human Resources Mgr.

Flag Ceremony & Pledge of Allegiance – Lemon Grove Cub Scout Pack #108

Presentations:

Lemon Grove History Minute #19 featured the Lemon Grove Clergy Association, which began meeting in 1999/2000. Representatives Mark and Anne Stapleton shared there is a meeting of Clergy and Community Leaders at the Lemon Grove Community Church Lagoon at 9:00 a.m. on the second Wednesday of each month. A directory of the 30 churches in Lemon Grove has been developed, and the Association is working on establishing events on a regular basis at the downtown Promenade. The Stapletons thanked Miranda Evans, Management Analyst, and the City Council for their support. Councilmember J. Mendoza and Mayor Vasquez thanked Mr. & Mrs. Stapleton and the Clergy in the community for their leadership.

National Public Works Week

Tom Bell, Public Works Superintendent, introduced the Public Works staff of Engineering, Administrative, Streets, Community Services, and Facilities/Grounds, including new employee Lewis Mendenhall, Public Works Streets Technician I. Mayor Vasquez presented the proclamation recognizing National Public Works Week in Lemon Grove. Mike James, Assistant City Manager/Public Works Director, thanked Mr. Bell for his passion, dedication and leadership.

Introduction of Employee – Lieutenant Scott Amos introduced Jacob Klepach, Patrol Sergeant, Sheriff Department.

Statewide Primary Election – Kay Vinson, Interim City Clerk, announced the last day to register to vote for the June 5, 2018 election is May 21st, and the last day to request a Vote by Mail Ballot is May 29.

Public Comments:

John L. Wood, Lemon Grove, reported a Howard Baer semi-tractor trailer has been parked at College on the north side of Federal since Thursday, where parking is prohibited from 10:00 p.m. to 4:00 a.m. Also, trucks parked on the 6700-6800 block of Federal have not been

ticketed. He complained he does not receive call backs in a timely manner from trash, city or county. Mr. Wood brought up a Councilmember with frequent no meeting reports. Helen Orfield, Lemon Grove, invited the City Councilmembers and community to the 90th birthday celebration of The Big Lemon and in conjunction with the City's 40th anniversary, hosted by the Historical Society at 10:00 a.m. on July 3. She submitted a proposal to rename the Civic Center Park the Treganza Heritage Park to honor Alberto Treganza, who designed The Big Lemon, and the Treganza family as an influential pioneer family. Sapphire Blackwood, Federal LLC, asked that a conditional permit for medical marijuana be placed on a future agenda. Brenda Hammond, Lemon Grove, commented on: more church paid predators in Lemon Grove and East County than homeless, kids are huffing bug spray and someone sprayed it under her car making her sick, she has not had response to an assault charge made on March 30, and the City's concerts in the park are the best in East County. Juan Nelmida, Lemon Grove, criticized the protocol responding to complaints by Code Enforcement. Sergio Padilla, Lemon Grove, objected to lack of follow-up regarding a ticket.

Councilmember J. Mendoza addressed clarification of the May 1, 2018 City Council minutes on item 4, 2018-2019 Proposed Sewer Service Charge, noting no vote was taken on the direction provided to staff, so 'unanimous consensus' was inaccurate. Therefore, the minutes will be corrected by removing the word 'unanimous.'

1. Consent Calendar

- A. Waive Full Text Reading of All Ordinances on the Agenda**
- B. Ratify Grove Payment of Demands**
- C. Approve May 1, 2018 Regular Meeting Minutes with correction referenced above.**
- D. Adopt Resolution No. 2018-3576 Approving the Multi-Jurisdictional Hazard Mitigation Plan for the City of Lemon Grove as part of the San Diego County Plan.**
- E. Adopt Resolution No. 2018-3577 Approving Second Amendment to Heartland Communication Facility Authority Joint Powers Agreement to Add Viejas Band of the Kumeyaay Indians as a Member Agency**
- F. Adopt Resolution No. 2018-3578 Awarding the Contract to SRM Contracting & Paving in the amount of \$546,617 and Establishing Project Budget not to exceed \$628,610 for Fiscal Year 2017-2018 CIP Street Rehabilitation Project (Contract No. 2018-17)**

Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember M. Mendoza to approve Consent Calendar Items 1 A, B, C, D, E and F. The motion passed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza
Noes: None

2. Public Hearing to Consider Zoning Clearance ZC1-700-0020 to Establish 15 Apartment Dwelling Units at 2555, 2561, and 2571 Crestline Drive in the Residential Low/Medium Zone

Mayor Vasquez disclosed she met with the developer and toured the project.

David De Vries, Development Services Director, summarized the staff report background, discussion, public notification, and recommended action. Mayor Pro Tem Jones asked about the home being a State licensed residential care facility. Councilmember M. Mendoza ascertained the project is not required to be limited to homeless Veterans and the proposal is for 15 market-

rate apartments. Mayor Vasquez opened the public hearing at 7:11 p.m., allowing two minutes per speaker and five minutes for the applicant.

Speaking in opposition were:

Vicky Patton, Lemon Grove, pointed out numerous visits by officers, drugs on site, use of neighborhood trash cans; and questioned how rent is paid by homeless Veterans.

Tamara Peterson, Lemon Grove, stated a 15-unit complex would change the dynamics of the neighborhood; and she opposes the project and requests denial.

Nahuja Mendez, Lemon Grove, expressed disappointment with the house and the project, saying safety is a major concern.

Pierina Bellocchio, Lemon Grove, said she lost a baby two years ago due to the project, and the area should remain a family neighborhood. Although the developer is nice, the project is about money.

Ricardo Tynan, Lemon Grove, talked about safety concerns, sewer issues, residents knocking on his door for cigarettes, and worse impact from the new project. Consequently signatures are being collected to stop the project.

David Mendez, Mt. Vernon, indicated the proposal would negatively impact the neighborhood, there is insufficient parking, and the property may be flipped after approval.

Melanie Lucero, Lemon Grove, emphasized the property is zoned for single-family homes, problems at the property now, no assurance to remain housing for Veterans; and taxpayers should have a say rather than developers.

Maria Chavez, Lemon Grove, asked for a vote against the project, noting it is important to have more single-family residences. She questioned who would manage the problems.

Kristen Steinke, Assistant City Attorney, read a letter into the record from Arlene James, Lemon Grove, who was unable to attend the meeting. She transmitted her opposition to the application and requested denial, saying it should be converted back to a five-bedroom house and there is insufficient parking.

Speaking in support were:

Ian Johnston, Lemon Grove, stated the property is atrocious, so the project would improve the value.

Monica Cervantes, Independent Life Choices, opined Mr. Philbin's projects have made a difference for their clients.

Katrina Soto, St. Paul's Place, conveyed Mr. Philbin's projects have been successful.

Melissa Kerlin said circumstances can change, and projects like this one help homeless people feel safe.

Elaine Rosas, Regional Task Force on Homelessness, imparted Mr. Philbin has chosen to help homeless Veterans; and this project is a solution driven opportunity for which she is an advocate.

Steve Waldron, Architects Local, stressed the independent living facility can be maintained if the proposal is denied. Since Mr. Philbin has a good record on projects, it would be better to have a 15 unit multi-family facility and get Veterans off the street.

Applicant Matt Philbin, Anthem Real Estate Ventures, Inc., agreed with many of the comments, but pointed out the problem calls are at 2545 Crestline Drive, and not his property. Mr. Philbin communicated the property was originally licensed for 40 residents (commercial/hospital) and then reduced to 16, and his project is a move to more residential. He responded there will be an on-site dedicated manager, housing vouchers will be utilized, and he found homes for all vacated residents. As a Veteran, he shared his desire to provide housing and he operates a 26-bed facility in Spring Valley.

Action: At 7:46 p.m. the public hearing was closed on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza

Noes: None

David De Vries, Development Services Director, confirmed the existing non-conforming use of a 14 bedroom independent living facility may continue within twelve months from when the residents were vacated. Councilmember M. Mendoza asked about the original commercial/hospital designation. David De Vries, Development Services Director, answered the .66 acre property is zoned Residential Low Medium. Regarding the adjacent parcel at 2545 Crestline, the previous 22 bedroom boarding house was required to convert back to the permitted five bedroom single-family residence, currently with six tenants under one lease. Mr. De Vries recalled most of the public safety calls have been at 2545 Crestline, and only a few calls have been on the subject property.

Councilmember Arambula inquired when the last resident was vacated and was informed it was July 2017.

Mayor Pro Tem Jones remarked the applicant has a noble intent; however, granting the Zoning Clearance would result in spot zoning.

Councilmember J. Mendoza reviewed the required findings necessary to approve the request, which would be hard/impossible to do. She determined if the application is denied, the independent living facility could be maintained within a year from ceasing operations.

Councilmember J. Mendoza concurred apartments are not desired in single-family residential neighborhoods.

There was conversation about the possibility of changing the non-forming status to an allowed use, i.e. maximum of eight units on four single-family parcels, each lot with a primary home and accessory unit, with required landscaping and parking.

Mayor Vasquez summarized the history, underscoring if the project is denied that the non-conforming use could be re-established by July 2018.

Councilmember M. Mendoza verified 16 or 17 people would reside in the home if approved.

Councilmember Arambula agreed there are concerns about the density.

Assistant City Attorney Karen Steinke advised the public hearing would need to be reopened if the request is approved to enable a Resolution of Approval to be prepared. Ms. Steinke read the findings of fact included in the Resolution into the record.

Action: It was moved by Mayor Pro Tem Jones and seconded by Councilmember M. Mendoza to adopt Resolution No. 2018-3579 Denying a Zoning Clearance Request to Establish 15 Apartment Dwelling Units at 2555, 2561 and 2571 Crestline Drive (ZC1-700-0020), Lemon Grove, California. The motion for denial passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza

Noes: None

Action: Mayor Vasquez obtained consensus from the City Council to direct staff to have the Community Advisory Commission develop a homeless action plan.

3. **Public Hearing to Consider the Approval of the Sewer Capacity Fee Increase from \$1,000 to \$3,509 Effective July 1, 2018**

Mike James, Assistant District Manager / Public Works Director outlined the staff report including capacity fee details, NBS study considerations, capacity fee implementation, outreach to the Building Industry Association, and alternative to spread increase over three years.

Board member Arambula discussed forecasting revenue from the increase effective on new development and suggested spreading the increase over two years.

Vice Chair Jones indicated the proposed increase is still below the County average of \$5,800; and it applies to new buildings buying into the system, so ratepayers are not subsidizing new connections.

Board member M. Mendoza received explanation on how the proposed rate was determined, realizing there had been no increase since 1981.

Board member J. Mendoza confirmed the fee is for new units/connections, the fee goes to the Sanitation District reserve fund, which is needed to increase sewer capacity.

At 8:28 p.m., Chair Vasquez opened the public hearing.

Richard Hammett, Lemon Grove Business Owner, remarked rents are skyrocketing. Although he understands the need for the connection fee increase, it amounts to a 251% increase for a dwelling unit and 601% for a duplex in one year. Thus he urged implementing the increase over three years.

Action: Vice Chair Jones moved to close the public hearing and adopt **Resolution No. SD 2018-295** Approving the Sewer Capacity Fee Increase from \$1,000 to \$3,509, effective over two years beginning July 1, 2018. The motion was seconded by Board member Arambula. The motion passed by the following vote:
Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza
Noes: None
NOTE: Increase from \$1,000 to \$2,254.50 to be effective July 1, 2018 and from \$2,254.50 to \$3,509 to be effective July 1, 2019.

4. Ordinance No. 29 – Establishing a 2.875% Increase to the Sewer Service Charge for Fiscal Year 2018-2019

Mike James, Assistant District Manager / Public Works Director, pointed out Dexter Wilson, Dexter Wilson Engineering, Inc., is in the audience to answer questions on the Memorandum regarding the sewer service charge. Mr. James reviewed the background of previous approval for a 5.75% increase to the sewer service charge, forecasted fiscal year 2018-19 Sanitation District Budget, Metro JPA expenditures and City of San Diego audit, Sanitation District and City General Fund salary allocation, and Board direction on May 1, 2018 to reduce the rate to a 2.875% increase.

Action: On a motion by Board member Arambula and second by Board member M. Mendoza, Ordinance No. 29 title was read and introduced Amending Ordinance No. 28 of the Lemon Grove Sanitation District Describing Methods for Calculating Sewer Use Charges and Establishing a 2.875% Increase to the Sewer Service Charge for Fiscal Year 2018-2019. The motion passed by the following vote:
Ayes: Vasquez, Arambula, Jones, M. Mendoza
Noes: J. Mendoza

5. Pre-Budget Discussion

Lydia Romero, City Manager, provided an overview of the City's General Fund revenues, fixed expenditures and deficit. She also recapped budget considerations for recreation, East County Homeless Task Force and animal control, and spoke on the next steps. Al Burrell, Financial Consultant, communicated revenue assumptions include a decline in sales tax, 2% increase in property tax, stable hotel tax, and decrease of \$731,000 in the Sanitation District. City Manager Romero examined big cost increases in retirement rates and CALPERS pension. She covered fixed expenditures including increase for Sheriff contract of \$332,801, State trash amendment (storm water) of \$50,000 for ten years and Regional Radio Communications of \$48,000 for nine years. Future needs are approximately: fire engine \$450,000, Division Chief vehicle \$75,000, Code Enforcement vehicle \$30,000, Community Center roof leak repair, and salary increase for Fire and City employees. Mr. Burrell underscored the General Fund gaps of \$452,000 (3% of General Fund) for the current fiscal year, \$645,000 for FY 2018-2019 (4.5% of General Fund) and 5-year projected gap of \$1,400,000.

Mike James, Assistant City Manager / Public Works Director, presented an update on the Recreation Center Program with background on the facility gymnasium, three classrooms, and courtyard. Also reviewed were the Recreation Center schedule, revenue and expenditures, and both youth and adult partnership opportunities, along with use of volunteers, return on investment, and cost recovery pyramid.

Mike James, Assistant City Manager / Public Works Director, covered seven points from the East County Chamber of Commerce to support the East County Homeless Task Force with cost of \$30,000 to the City of Lemon Grove; and he mentioned the Homeless Outreach Team (HOT) through the Sheriff's Department.

Miranda Evans, Management Analyst, outlined alternatives for animal control services: 1) Contract with San Diego Humane Society beginning in fiscal year 2019-2020; 2) Direct staff to implement a City-run program beginning in fiscal year 2019-2020 (cost prohibitive); or 3) Continue to contract with the City of Chula Vista at an estimated cost of \$289,951, a 48% increase from FY 2017-2018. At this time, the recommended action is to continue with the City of Chula Vista for another year and continue to explore options for animal control services for FY 2019-2020.

City Manager Romero explained the next steps involve asking staff to reduce budgets by 3% for discretionary spending, acknowledged budget cuts will not close the projected 5-year shortfall, so staff will develop options for revenue raising for the June 5 City Council meeting.

Councilmember J. Mendoza praised Mark and Anne Stapleton for hosting the Clergy Association meetings and work with the East County interfaith network. Relative to the funding for the homeless, she suggested the cost for showers of \$2600 can be eliminated because there are currently three sites on weekends in La Mesa and St. John of the Cross Catholic Church in Lemon Grove may provide showers on the fourth weekend of the month. She believes the City cannot fund the portion of the Director's salary, questions the marketing program for panhandling, but expressed interest in the app for services and keeping door open for reunification. Regarding the Recreation Center, Councilmember J. Mendoza stated the City should not kick out anyone, proposed keeping the gym open Saturday and possibly Sunday evenings, noticed the classrooms and courtyards are underutilized with consideration of outside contractors, continue day camps, look at using School District field on Sundays, and maximize use of the remainder of the facility not used by Liberty Charter School.

Councilmember M. Mendoza questioned the \$11,688 water bill for the Recreation Center and fields paid entirely by the City even though revenue is received from the leases. He supports opening the Recreation Center with volunteers on Saturday and Sunday evenings for open play. Based on City finances, perhaps the 30 churches in Lemon Grove can support the \$30,000 needed for homeless services. City Manager Romero replied there are workers compensation costs for volunteers, and an option has been considered to increase the Community Services Assistant to full time for expansion of services.

Councilmember Arambula discussed partnerships, including Heal Zone, addressed scheduling with cost sharing of maintenance and utilities including the School District and holding a joint meeting about the community.

Mayor Pro Tem Jones emphasized the City is the net beneficiary because it only pays \$1/year to lease the land with the Recreation Center, Liberty Charter School serves the community, departure of laser tag use freed gym time, and the after school program was the most expensive and served the fewest. Therefore the revenue of \$129,000 should be maximized based on the pyramid to provide the most service and add services if revenue neutral. Concerning the City's participation in funding services for the homeless, he noted that only the City of El Cajon had contributed; and with the City's General Fund gap, it cannot afford to fund the request from the East County Chamber of Commerce for the East County Homeless Task Force. Remarking on the 48% increase to \$289,951 for animal control services with the City of Chula Vista, Mayor Pro Tem Jones advised watching how San Diego Human Society performs due to the huge increase in workload.

Mayor Vasquez urged utilization of all City buildings, i.e. community center and senior center, staffed with volunteers and incorporating open recreation and movie nights.

Anita Lopez, Lemon Grove Heal Zone, distributed a proposal for the Lemon Grove Recreation Center and requested a meeting with staff. She introduced a cooperative model with zero additional cost to the City, and she explained an American Council on Exercise grant for scholarships to health coaching and fitness instructors.

Melanie Lucero, Lemon Grove, said there are issues with animal control services, and the distance to the Chula Vista shelter is a burden on residents. She suggested asking residents on uses for the Recreation Center, saying it should not be pay to play. Ms. Lucero noted there is more graffiti in the summer, and the costs used to remove it could be used to offer more activities.

Nadia Contreras, Lemon Grove, advocated for a balance in recreation services but to focus on youth. She observed there are free services for homeless and those with mental illness, purported signs for services instead of signs prohibiting panhandling, and offered her involvement.

Larry Spears, Lemon Grove, Spears Taekwondo Academy, backed reopening the Recreation Center.

Stephen Browne, Lemon Grove, thanked the City Council for the honest financial picture, mentioned grass roots and East County Homeless Task Force is addressing assistance for the homeless, agreed with looking at a cooperative with Heal Zone for the Recreation Center, and said he would assist in being part of the solution.

Angeles Nelson, Lemon Grove, articulated the Recreation Center was built with taxes from the community, and it should be opened so the youth have a safe place. He commented about revenue from Liberty Charter School and church with utilities paid by the City.

Councilmember J. Mendoza noticed the church is charged more per hour than the school, so she recommended opening negotiations with Liberty Charter School resulting in fewer hours without reducing revenue. She shared her excitement with the proposal from Heal Zone.

Councilmember Arambula requested a copy of the lease with the School District be supplied to the City Council, contemplated amending the Joint Use Agreement with the School District and looking at sharing costs with Liberty Charter School.

Mayor Pro Tem Jones queried about the attendance at Liberty Charter School, and projected shifting hours so as not to be punitive.

Mayor Vasquez recommended use of other City facilities, both indoor and outdoor, and partnering with other organizations. She expressed concern with the General Fund deficit.

City Manager Romero responded input and direction was supplied, and staff will return with a proposed budget including revenue options on June 5, 2018.

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City (GC 53232.3 (d)) (53232.3. (d))

Councilmember J. Mendoza attended the following meetings and events:

- May 3 - Mayors Prayer Luncheon in El Cajon
- May 4 – San Diego Association of Governments (SANDAG) Transportation Committee regarding project cost estimating, senior transportation, Fixing America's Surface Transportation Act, and 2018 State Highway Operation and Protection Program.

Councilmember M. Mendoza attended the Helix Water District meeting on May 2, 2018, which focused on the budget.

Councilmember Arambula attended the following meetings:

- May 3 – Executive Committee, Metropolitan Transit System
- May 10 – Metropolitan Transit System Board – purchase of six electric powered busses
- May 11 – Metropolitan Transit System Ad Hoc Ballot Measure Committee – process for a ballot measure increasing sales tax

Mayor Pro Tem Jones attended the Metro Joint Powers Authority Wastewater Special meeting and rate oversight committee.

Mayor Vasquez attended the following meetings and events:

- East County Mayors luncheon, highlighting accomplishments and needs
- San Diego Housing Ruby Awards for housing rehabilitation and new construction projects
- San Diego Tourism Association meeting; \$788 million raised by transient occupancy tax
- Dr. Miles, Grossmont Cuyamaca College regarding the "Promise" project for first year free attendance.
- San Diego Association of Governments vote on draft numbers for Regional Housing Needs Assessment of 116,000 units for the area vs. 171,685 units.

City Manager and Department Director Reports (Non-Action Items)

Miranda Evans, Management Analyst, announced Art Days, celebrating art in Lemon Grove on May 17 and May 19 in conjunction with the Lemon Grove Branch Library.

Lydia Romero, City Manager, reported on attendance at a League of California Cities meeting and gave information on pending legislation, rainy day fund, homeless, staging for emergencies, watch recommendation on SB 1045 (Wiener) conservatorship for homeless, support for June ballot Propositions 68 for parks and 69 to protect SB1 funds for roads, and opposition to Tax Fairness Transparency Accountability initiative on November ballot, backed by the American Beverage Association that eliminates authority of cities and counties to enact a tax for general purposes with a majority of voters.

Closed Session:

Conference with Legal Counsel – Existing Litigation (G.C. § 54956.9 (1d))

A. King Aminpour, attorney on behalf of Pedro Zazueta & Nicolosa Zazueta

San Diego Superior Court–Central Division Case number 37-2017-00046566-CU-PO-CTL

Conference with Legal Counsel – Existing Litigation (G.C. § 54956.9 (1d))

Evan W. Walker, attorney on behalf of Rosa Vazquez

San Diego Superior Court–Central Division Case number 37-2017-00037623-CU-PO-CTL

Conference with Legal Counsel – Existing Litigation (G.C. § 54956.9 (1d))

City of Lemon Grove v. The Grove Collective, et. al.

San Diego Superior Court – Central Division Case number 37-2016-00015271-CU-BC-CTL

Conference with Labor Negotiators (G.C. § 54957.7)

Employee Organization: Lemon Grove Firefighters Association, Local 2728 of the International Association of Firefighters

City Representatives: Lydia Romero, City Manager, and Alicia Hicks, Human Resources Manager

Action: By consensus, the City Council recessed to closed session for the above items at 10:22 p.m.

Closed Session Report:

Action: Upon reconvening from closed session, the following action was reported: By consensus the City Council approved a settlement agreement with Evan W. Walker, attorney on behalf of Rosa Vazquez, in San Diego Superior Court–Central Division Case number 37-2017-00037623-CU-PO-CTL.

Adjournment: The meeting was adjourned at 10:50 p.m.

A. Kay Vinson, Interim City Clerk